

EXHIBIT G

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EXPERT TESTIMONY IN THE CASE OF SOKOLOV V PLO ET AL

I. SCOPE OF ENGAGEMENT

I have been asked to provide expert testimony about the relationship between the Al Aqsa Martyrs Brigades (“AAMB”) and Fatah and the support by the PA and PLO for terrorism, including by the AAMB, during the second Intifada, also known as the al-Aqsa Intifada. My fee for the drafting of this report was \$5000.00. My hourly rate for providing testimony is \$400.00 per hour.

II. SUMMARY OF OPINIONS

Based on my knowledge, experience, training and education, and drawing on my own extensive research, and the sources and information set forth herein, my expert opinion is that the AAMB, which is designated as a terrorist organization by the United States, among others, is the military arm of Fatah and its terrorist activities were, and are, controlled by Fatah. Moreover, during the period of the al-Aqsa Intifada (from December 2000 – 2005), the PA promoted and supported terrorism against Israelis, including by funding the AAMB and its individual activists, many of whom were also employees in the PA’s security forces. This funding facilitated and enabled the group to execute its attacks.

III. QUALIFICATIONS

My qualifications as a noted expert in international terrorism, with a focus on Middle East terrorist groups and particular expertise in their logistical and financial support networks, are based on a multidisciplinary combination of my academic education, professional training and experience.

I am a United States citizen, residing in the Washington, D.C. area. I hold both a Masters of Law and Diplomacy (MALD) and a Ph.D. in International Relations from The Fletcher School of Law and Diplomacy at Tufts University. The Fletcher School, a member of the Association of Professional Schools of International Affairs and one of the preeminent graduate programs in international affairs in the United States, is renowned for its interdisciplinary curriculum and approach to international studies.

My Masters degree included concentrations in Conflict Resolution, International Security Studies, and the Middle East. My doctoral dissertation entitled “The Impact of Acute Security Crises on the Process of Ongoing Negotiations,” examines the impact of terrorism on the Arab-Israeli peace process. The dissertation examines acts of terrorism carried out by both Islamic and Jewish terrorists. I was awarded several fellowships and grants in support of this research, including a graduate research fellowship from the Program on Negotiation at Harvard Law School. While at Harvard I conducted extensive field research in the West Bank and Gaza

Japan, have also listed AAMB as a terrorist group.⁶ AAMB carried out many attacks against Israeli civilians and security forces, most notably suicide bombings during the second *Intifada*.⁷ Between August 2001 and April 2002, alone, AAMB killed 32 and wounded 613 Israelis in 22 suicide attacks.⁸ The Brigades were also the first to employ female suicide bombers as paramedic Wafa Idris carried out an attack in downtown Jerusalem on January 27, 2002.⁹

Indicative of the group's commitment to terrorism as a means of affecting political change, Al-Aqsa commander Marwan Zaloum responded to news of the group's pending addition to the U.S. State Department's FTO list by promising attacks would "continue until we vanquish the occupation."¹⁰ Similarly, in an official Al-Aqsa statement faxed to Reuters, Nasser Awais, a full time employee of the Palestinian National Security Force and a senior Al-Aqsa commander, called the AAMB's FTO designation "a medal of honor that we wear on our chests," and promised to "continue on the road of resistance and martyrdom unconcerned about the American decision."¹¹ Even before it was officially designated as an FTO and an SDTE in March 2002, the U.S. government referred to the AAMB as a terrorist group. In its 2001 and 2002 annual terrorist reports, for example, the State Department referred to terrorist attacks carried out by the AAMB.¹² The State Department's 2003 report was particularly explicit:

Israel maintained staunch support for US-led counterterrorist operations as terrorist activity in Israel, the West Bank, and Gaza Strip continued at a heightened level in 2002. HAMAS, the Palestine Islamic Jihad (PIJ), and the al-Aqsa Martyrs Brigades, all of which the United States has designated as Foreign Terrorist Organizations and has designated pursuant to Executive Order 13224, were responsible for most of the attacks, which included suicide bombings, shootings, and mortar firings against civilian and military targets.¹³

Such designations, and AAMB's inclusion in State's terrorist reports, codified not only the group's patent rejection of the peace process but its nature as a violence terrorist organization.

During the *Intifada*, the AAMB was intimately tied to, and managed by, Arafat's Fatah party. Fatah is, by its own admission, Al-Aqsa's parent and controlling organization. Asked if Al-Aqsa is under Arafat's control, senior Fatah leader Hussein al-Sheikh openly responded, "of

⁶ See "Japan's Foreign Policy in Major Diplomatic Fields," <http://www.mofa.go.jp/policy/other/bluebook/2005/ch3-a.pdf>; and see Canadian list of "Currently Listed Entities," <http://www.publicsafety.gc.ca/prg/ns/le/cle-eng.aspx>

⁷ "Profile: Fatah Palestinian Movement," BBC News, August 4, 2009, available at <http://news.bbc.co.uk/2/hi/1371998.stm>.

⁸ "The Palestinian Authority Employs Fatah Activists Involved in Terrorism and Suicide Attacks," IDF report dated 15 April 2002, p. 33.

⁹ "Female bomber's mother speaks out," *BBCNews*, 30 January 2002, http://news.bbc.co.uk/2/hi/middle_east/1791800.stm

¹⁰ "Hass, Guttman, 'U.S. Dubs Al-Aqsa Brigades 'Terrorist,'" *Haaretz* (March 22, 2002)

¹¹ "Al-Aqsa Brigades Shrugs off U.S. 'Terrorism' Label," *Reuters* (March 22, 2002); Matthew Kalman, "Terrorist Says Orders Come from Arafat," *USA Today* (March 21, 2002)

¹² U.S. Department of State, "Patterns of Global Terrorism 2000," April 30, 2001, available at <http://www.state.gov/s/ct/rls/crt/2000/>; U.S. Department of State, "Patterns of Global Terrorism 2001," May 21, 2002, available at <http://www.state.gov/s/ct/rls/crt/2001/html/index.htm>.

¹³ U.S. Department of State, "Patterns of Global Terrorism 2002," April 30, 2003, available at <http://www.state.gov/s/ct/rls/crt/2002/html/index.htm>

Thus, not only did Fatah consider itself the parent organization of AAMB, AAMB considered itself Fatah's reliant child.

Fatah officials who held senior positions within the PA also considered Al-Aqsa part of Fatah, and lauded its accomplishments. Arafat's foreign media spokesman, Mohammed Odwan, confirmed that the Brigades were "loyal to President Arafat."²⁰ Just two days before a 2002 AAMB suicide bombing in Jerusalem, then-West Bank Preventive Security Organization chief Jibril Rajoub described the group to the al-Ayyam newspaper as "the noblest phenomenon in the history of Fatah, because they restored the movement's honor and bolstered the political and security echelons of the Palestinian Authority."²¹ Rajoub further asserted that the PA would not dismantle the Al-Aqsa Brigades.²²

Al-Aqsa members say much the same. According to the Al-Aqsa Brigades' Maslama Thabet, "the truth is, we are Fatah itself, but we don't operate under the name Fatah. We are the armed wing of the organization. We receive our instructions from Fatah. Our commander is Yasser Arafat himself."²³ Nasser Badawi, an AAMB senior commander, insisted "[w]e are Fatah people" and, despite those who claim AAMB is merely a group of loosely affiliated activists, he acknowledged "[w]e are still Fatah."²⁴ In fact, former PA Prime Minister Ahmed Qurei stated "The Al-Aqsa Martyrs Brigades, military wing of the Fat[a]h movement will not be dissolved and Fat[a]h will never relinquish its military wing."²⁵ Further illuminating the dynamic between these groups, a Fatah leader in the Jenin refugee camp explained "Fatah has two sections: a military wing, led by the military and a political wing, led by politicians. But there is no difference between Fatah and the al-Aqsa Martyrs' Brigades."²⁶

Thus, it should not surprise that the official U.S. government position is that the AAMB is the military wing of Fatah. Indeed, the State Department's 2005 terrorist report noted that "Fatah's militant wing, the al-Aqsa Martyrs Brigade, conducted numerous shooting attacks and suicide bombings in 2004."²⁷

²⁰ Matthew Kalman, "Terrorist says orders come from Arafat," *USA Today*, March 14, 2002, available at: <http://www.usatoday.com/news/world/2002/03/14/usat-brigades.htm>.

²¹ "Report: PA's Rajoub hails militant Al Aqsa Brigades," *Haaretz*, March 18, 2002, available at: <http://www.haaretz.co.il/hasen/pages/ShArt.jhtml?itemNo=142744&contrassID=1&subContrassID=0&sbSubContrassID=0>.

²² "Report: PA's Rajoub hails militant Al Aqsa Brigades," *Haaretz*, March 18, 2002, available at: <http://www.haaretz.co.il/hasen/pages/ShArt.jhtml?itemNo=142744&contrassID=1&subContrassID=0&sbSubContrassID=0>.

²³ Matthew Kalman, "Terrorist says orders come from Arafat," *USA Today*, March 14, 2002, available at: <http://www.usatoday.com/news/world/2002/03/14/usat-brigades.htm>.

²⁴ Ferry Biedermann, "Secular and deadly: The rise of the Martyrs Brigades," *Slate*, March 19, 2002. <<http://www.salon.com/news/feature/2002/03/19/brigades>>

²⁵ From Itamar Marcus and Barbara Cook, "Arafat Blames Israel for Tel Aviv Bombing," *Palestinian Media Watch*, July 14, 2004. <<http://www.imra.org.il/story.php3?id=21474>>

²⁶ *BBC News*, "Palestinian Authority funds go to militants," November 7, 2003. <http://news.bbc.co.uk/2/hi/middle_east/3243071.stm>

²⁷ U.S. Department of State, Country Reports on Terrorism – 2004, April 27, 2005, available at <http://www.state.gov/s/ct/rls/crt/c14818.htm>.

Some cases of PA involvement in terrorist activity involved senior PA officials. For example, there is evidence that Arafat approved funding for Palestinian terrorists, including a June 2002 payment of \$20,000 to the Al-Aqsa Martyrs' Brigades just as the group claimed responsibility for a suicide bombing in Jerusalem.³⁸ And, in November 2003, the *BBC* revealed that the PA was sending monthly payments of up to \$50,000 to AAMB members.³⁹ While condemning terrorist attacks – albeit not as acts of terror per se, but rather as harming the national interests of the PA – Arafat simultaneously personally authorized the financing of groups and individuals engaged in terror attacks against Israeli citizens.⁴⁰

The PA has openly run a “Fund for Families of Martyrs and the Injured,” which the World Bank reports has provided cash transfers to thousands of families of martyrs and those injured during the conflict with Israel. According to the World Bank, “the program is clearly not targeted to the poorest households. While some assistance should be directed to this population, the level of resources devoted to the Fund for Martyrs and the Injured does not seem justified from a welfare or fiscal perspective.”⁴¹

The PA released key Hamas bomb makers and military commanders from PA prisons in 2000—part of a longstanding informal revolving prison door policy—and Hamas quickly became a principal actor in an umbrella organization of forces (including PIJ, the PFLP, and various elements of Arafat's Fatah organization, such as the Tanzim and Force 17) under the banner of the National and Islamic Front. As early as October 2000, Mahmoud Zahar, a Hamas leader in Gaza, announced that Hamas and PIJ leaders were meeting with Fatah and PA officials “at least once daily.” Hamas then resumed conducting terrorist attacks independently as well as in joint operations with Fatah under the auspices of the PRC, the “Saladin Brigades,” and the “Return Brigades.”⁴²

In other cases, terrorism-related PA activities involved lower level officials. In January 2004, Ali Yusuf Jaara, a policeman from Bethlehem, carried out a suicide bombing on a bus in Jerusalem. AAMB and Hamas both claimed responsibility for the attack, which killed eleven people and injured over fifty.⁴³ In addition, senior PA officials were involved in anti-Israeli

³⁸ David E. Sanger, “Bush Says Palestinians Will Lose Aid if They Keep Arafat,” *The New York Times*, June 27, 2002, available at: <http://www.nytimes.com/2002/06/27/international/middleeast/27PREX.html?pagewanted=1>.

³⁹ *BBCNews*, “Palestinian Authority funds go to militants,” November 7, 2003. http://news.bbc.co.uk/2/hi/middle_east/3243071.stm

⁴⁰ Center for Defense Information, “In the Spotlight: Al-Aqsa Martyrs Brigades,” June 10, 2002, available at: <http://www.cdi.org/terrorism/aqsa-pr.cfm>

⁴¹ “From Crisis to Greater Fiscal Independence,” West Bank and Gaza Public Expenditure Review, Volume 2, Middle East and North Africa Region Social and Economic Development Group, The World Bank, February 2007

⁴² Keith Richburg, “Arafat Turns to Militants in Uprising: Freed Extremists Become Part of Palestine Resistance,” *Washington Post*, October 25, 2000; “Arafat Making Tactical Alliance with Islamic Jihad and Hamas,” *International Herald Tribune*, October 25, 2000; “Ghoushe: We Are Committed to Launching Martyrdom Operations—Coordination with Fatah Helped in Expanding Confrontations,” *Al-Mostakbal* (Lebanon), March 3, 2001.

⁴³ Israel Ministry of Foreign Affairs, “Suicide Bombing of Egged Bus No. 19 in Jerusalem,” January 29, 2004, available at http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2004/1/Suicide+bombing+of+Egged+bus+no+19+in+Jerusalem+-+htm

outlawed the military wings of Hamas, PIJ, and the PFLP. After operatives were detained, however, they were neither prosecuted nor given full prison sentences.

Notably, the one Hamas terrorist to be tried and convicted in a Palestinian court, Mahmud Abu Hanud, was praised as a hero by the presiding judge who expressed his displeasure at having to sentence Abu Hanud to twelve years imprisonment for “forming armed bands.” Abu Hanud was released from prison in October 2000, and immediately orchestrated a number of Hamas suicide bombing attacks targeting Israeli civilians. He was later killed by Israeli forces.⁶¹

In a report entitled “International Financial Aid to the Palestinian Authority Redirected to Terrorist Elements,” Israeli government analysts carefully documented disturbing evidence about misuse of EU donor funds to finance other, unbudgeted expenditures in support of terrorism.⁶² Indeed, it was unclear how the PA used European cash aid, amounting to 10 million Euros per month, which was not tied to specific humanitarian or development projects. The report documents various illicit schemes through which the PA diverted funds to Fatah members engaged in terrorism, concluding that “the implication is that the PA paid salaries to hundreds of Fatah personnel who engaged in terrorism. Amongst the salary earners in this status was the commander of the al Aqsa Martyrs Brigades in Samaria [northern West Bank] (responsible for attacks in which 17 Israelis were killed), and the two murderers of the Israeli youth who was lured via the Internet to the Ramallah area where he was murdered.”⁶³

The 500,000 documents Israel seized from PA offices during *Defensive Shield* provide extensive evidence of PA support for, and involvement in, terrorism. For example, the seized documents provide evidence that the PA deducted 3 percent of gross income from PA employee salaries (paid in part by EU funding) that was earmarked for Arafat’s Fatah. Additionally, Israeli authorities discovered over sixty copies of checks made out to various Fatah branch offices in the West Bank from the PA Finance Ministry’s “salaries account,” account number 01810058/4 at the Al-Urdan bank (Bank of Jordan P.L.C.). While many checks were dated as early as 1998-1999, predating direct EU budgetary assistance to the PA, investigators found identical documentation from 2001. For instance, in a letter on Fatah letterhead dated October 22, 2001, senior Fatah official Jamal Lafi asks that the bank allow Fatah activist Ziad Hamis Hussein Bahar to cash a NIS 10,500 check drawn on the salaries account and payable to the “Palestinian National Liberation Movement, Fatah/Abu Dis.” Even assuming that the money actually went for salaries, the salaries account is intended only to fund the salaries of PA employees, not Fatah activists (and if those being paid were actually PA officials, then these payments in cash were

⁶¹ “Hamas Militant Fears Jews Will Kill Him If He Goes Free: Chose To Stand Trial in Area Controlled by Palestinians,” Reuters, September 3, 2000; Lee Hockstader, “Israel Kills Key Hamas Commander: Attack Could Hurt U.S. Peace Effort,” Washington Post, November 24, 2001.

⁶² “International Financial Aid to the Palestinian Authority Redirected to Terrorist Elements,” Israel Defense Forces/Military Intelligence, June 200, available at the Israel Ministry of Foreign Affairs website, http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2002/6/International%20Financial%20Aid%20to%20the%20Palestinian%20Aut.

⁶³ “International Financial Aid to the Palestinian Authority Redirected to Terrorist Elements,” Israel Defense Forces/Military Intelligence, June 200, available at the Israel Ministry of Foreign Affairs website, http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2002/6/International%20Financial%20Aid%20to%20the%20Palestinian%20Aut.

shipment would encourage terrorism. In June, President Bush called for a new Palestinian leadership 'not compromised by terror.'⁹⁰

The PA's counterterrorism performance did not improve the following year. The State Department's 2004 terrorism report lamented that "Unfortunately, the Palestinian Authority (PA) continued to take insufficient steps to stop terrorist operations."⁹¹

Moreover, much of the PA's direct contact with, and oversight of, AAMB involved funding and arming AAMB cells. This was often accomplished through direct contact between AAMB operatives and senior PA officials, including Arafat himself, who would then instruct security services and other PA agencies to follow through with financial support and weapons provision. For example, a letter addressed to Arafat from "your sons, Al-Aqsa Martyrs Brigades – Southern Area," included the logos of both AAMB and Fatah on the letterhead and a joint stamp of the two organizations at the bottom. According to the letter, it was delivered from AAMB operatives to Arafat through "the fighting brother, Nabil Amru, the Minister for Parliamentary Affairs, May the Almighty protect him."⁹² Indeed, this particular letter justified the request for funding by noting the affiliation of the AAMB operatives with both Fatah and PA security services and by highlighting the fact that some of them were wanted by Israeli authorities and others were already in Israeli jails.⁹³

In addition to AAMB, Arafat's Force 17 presidential security forces as well as the Fatah-linked Tanzim militia engaged in numerous attacks, including bombings, roadside ambushes, and shooting attacks. For example, Jamal Mustafa Ahwil, Tanzim head in the Jenin refugee camp, was responsible for the suicide bombings that took place on November 27, 2002, in Afula and on March 21, 2002, in Jerusalem. Under the guidance of Fatah secretary-general Marwan Barghouti – and often paralleling their day jobs as members of the various Fatah-dominated Palestinian security organizations – Fatah-associated elements have conducted numerous terror attacks with weapons, funding, and logistical support from senior PA officials.⁹⁴ Nasser Abu Hamid, a founder of AAMB, admitted that Barghouti was involved in procuring and paying for weapons used in attacks on Israelis and that explosives used in Al-Aqsa attacks came from Force 17 stockpiles.⁹⁵

⁹⁰ U.S. Department of State, "Patterns of Global Terrorism 2002," April 30, 2003, available at <http://www.state.gov/s/ct/rls/crt/2002/html/index.htm>.

⁹¹ U.S. Department of State, "Patterns of Global Terrorism 2003," April 29, 2004, available at <http://www.state.gov/s/ct/rls/crt/2003/31638.htm>.

⁹² "The 'Al Aqsa Martyrs Brigades' (on US State Department list of terror organizations) and the Fatah Organization are one and the same, and Yasser Arafat is their leader and commander," IDF/Military Intelligence report dated 3 May 2002, http://www.terrorism-info.org.il/malam_multimedia/English/ya/ya_hp.htm

⁹³ "The 'Al Aqsa Martyrs Brigades' (on US State Department list of terror organizations) and the Fatah Organization are one and the same, and Yasser Arafat is their leader and commander," IDF/Military Intelligence report dated 3 May 2002, http://www.terrorism-info.org.il/malam_multimedia/English/ya/ya_hp.htm


⁹⁴ Matthew Levitt and Ehud Waldoks, "The Return of Palestinian Nationalist Terrorism," Policy 379, The Washington Institute for Near East Policy, May 3, 2002

⁹⁵ "Statement of Indictment: Nasser (Bin Mohammed Yusuf) Naji Abu-Hamid," Israel Ministry of Foreign Affairs, July 19, 2002. http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2002/7/Statement%20of%20Indictment-%20Nasser%20-Bin%20Mohammed%20Yusu

As an integral component of the Fatah Movement, which dominated both the Palestinian Authority and the Palestine Liberation Organization, Al-Aqsa Martyrs Brigades was uniquely positioned to leverage its formal and informal relationships with these groups and their leaders to secure funding, weapons, safe haven, and a variety of forms of support for its acts of terrorism and political violence. From the onset of the Second *Intifada* in September 2000, and continuing through 2003 and after, Fatah has provided the Brigades with both weapons and financing.

Over the course of the Second *Intifada*, elements of the Palestinian Authority both actively and passively supported terrorist activities. PA officials and agencies not only officially tolerated terrorist activity; they also funded, armed, and at times cooperated with terrorist groups, including the Al-Aqsa Martyrs Brigades.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



3/22/13

Dr. Matthew Levitt